

**COMMITTEE ON RULES OF PROCEDURE  
IN DOMESTIC RELATIONS CASES**

Friday, December 10, 2004 10:00 am – 3:00 pm

Arizona Courts Building

1501 W. Washington, Conference Room 345A

Teleconference #: (602) 542-9006

Web Site: <http://www.supreme.state.az.us/drrc/>

**Members Present:**

Hon. Mark Armstrong

Annette Burns, Esq.

Hon. Norm Davis

Annette Everlove, Esq.

Elaine Fridlund-Horne, Esq.

Bridget Humphrey, Esq.

Hon. Michael K. Jeanes

Phil Knox, Esq.

Janet Metcalf, Esq.

Hon. Dale Nielson

Debra Tanner, Esq.

Hon. Nanette Warner

Dr. Brian Yee

**Members Not Present:**

Hon. John Nelson

Richard Scholz, Esq

Robert Schwartz, Esq.

**Staff Present:**

Konnée Neal

Theresa Barrett

Annette Mariani

**Quorum:**

Yes

**1. Call to Order: Hon. Mark Armstrong**

After welcoming Committee members, Judge Armstrong reviewed the new materials contained in the meeting packet: All members were given two sets of handouts. One set consisted of the following bulleted items; the other set contained the replacement sections for the binders.

- Agenda
- Membership List
- Workgroup List
- Workgroup Contact Information List
- Dates of Future Meetings – Judge Armstrong presented information on the January 6 & 7, 2004 working retreat. All other dates are tentative
- 2004/2005 Meeting and Presentation Dates
- Memo from Lisa Melton and Bridget Humphrey regarding Section VIII. Settlement and ADR.
- Draft Minutes from 11/12/04,

**2. Approval of Minutes**

A quorum was present for the approval of minutes

**Motion: Minutes Approved.**

**Seconded**

**Vote: Minutes Approved.**

Judge Armstrong asked that the committee look at the minutes in order to ensure that the tasks stated in the minutes were done. There will be follow-up on the task assigned to Judge Warner regarding Out of State Service.

**3. Feedback from Committee Presentation**

Judge Armstrong stated that he had not made any presentations since the last meeting. Annette Everlove presented to the Academy of Matrimonial Lawyers. This presentation went well. She had not received any feedback at the time of the meeting. A suggestion was made to divide sections up with different individuals assigned from the local chapters for review. It was also mentioned that this was going to be discussed at the January, “For Better, For Worse” seminar. Judge Warner gave a brief presentation at the Advanced Family Law Seminar which was held in Tucson. This seminar was attended by 100 practitioners. The information which Konnie Neal and Judge Armstrong had provided was handed out. Konnie stated that she had not received any feedback from anyone who had attended this presentation.

Judge Warner will be giving a presentation to the Family Law Bench after the first of the year. It was stated the Robert Schwartz had agreed to go on the agenda for the “For Better, For Worse” seminar. Judge Armstrong stated that this is a fairly important topic for individuals to be aware of, and it is a good thing that we are on the agenda.

Konnie Neal pointed out that she had e-mailed the blue sheet which indicates the presentations made to various groups by members.

Konnie would like information e-mailed to her whenever a presentation is given so that a log of these events can be updated periodically. This will help the committee to see where attempts have been made and help with public relations efforts for the rules. The timeline for approvals is also reflected on this sheet.

Judge Armstrong stated that there will be no writing assignments between now and the retreat. Judge Armstrong, together with Konnie Neal, will come up with a final numbered and cross-referenced product for consideration at the retreat in January. Changes can be made at the retreat. The numbering will need to be done prior to the inclusion of the cross-references. Due to the enormity of this task, there cannot be any new input or new rules presented after today's meeting.

**TASK: Judge Armstrong and Konnie Neal will come up with a final numbered and cross-reference product which will be presented at the January retreat.**

**4. Presentation of Annette Mariani, AOC Administrative Assistant**

Konnie Neal introduced Annette Mariani to the committee. Annette replaced Isabel Gillett as support staff. Annette stated she was happy to be part of the group in the Court Services Division, Court Programs Unit.

**5. Update on Retreat**

Judge Armstrong presented information on the logistics of the January working retreat. The retreat will take place at the Arizona Courts Building. The schedule is as follows:

January 6, 2005 from 1:00 pm – 5:00 with dinner being provided

January 7, 2005 from 8:00 am – 4:30 pm with breakfast and lunch provided.

For those who are not local, there will be hotel arrangements.

**6. ARFLP Updates and Approval Process**

Judge Armstrong reviewed the timeline for approval:

- Final draft to be presented to the Committee on Superior Court on February 25, 2005
- Final draft to be presented to the Presiding Judges on March 29, 2005
- Final report on DR Rules Committee to Arizona Judicial Council on March 30, 2005
- Once approved by the Arizona Judicial Council, it will go to Justices' Rule Agenda on June 2, 2005. This will begin the formal public comment process. The Supreme Court would prefer for the committee to obtain all the comments before the official comments process so that they can be addressed by the Arizona Judicial Council before their meeting in March.
- Rules would then take effect in January 1, 2006.

Konnie Neal met with Patience Huntwork regarding formatting of the Rules. Subsections are not necessary in the index and have been taken out of the draft. The publisher will put together the index. Subsections can be included again once there are numbers. Patience Huntwork suggested that the Juvenile Court Rules formatting be followed due to the fact that these are the latest stand-alone rules which have been approved. Konnie Neal thanked the committee for working with the deadlines. Judge Warner stated that one of the comments that was received after presenting to the academy was that wherever a rule was taken or adapted from a civil rule, or another local rule, it needs to be referenced from where it was taken. The reason for this is if litigation should take place, there could be reference back to the case law (i.e. Rule 4.1 Service Rule).

It was suggested that if something is taken from a civil rule, it should be stated where it is coming from for the purpose of case law.

Judge Armstrong mentioned that in some instances there is no comment but a reference to the civil rule is included, even if it is in the heading. This can be converted to a comment. Judge Armstrong stated that it would not be a perfect product the first time around. He applauded the Committee members for all their efforts.

## **7. Reports from Workgroups**

### **Workgroup 2: General Administration (Judge Davis, Chair)**

There is no report on General Administration. Judge Warner presented on the Keeping of the Court Reporters' Record, (Rule 17), which was moved to the General Administration Section I. Judge Warner stated that with changing technology, input from the Clerk of the Court was needed. It was recommended that whatever is being done be consistent with what the Committee on Technology is doing. Michael Jeanes stated that he was leaving early to attend the AJC meeting where the Records Retention Schedule is being presented. This was approved by the Presiding Judges yesterday and recommended to the AJC for approval. There are some differences between Rule 17 and what the proposed new Records Retention Schedule lists. Mr. Jeanes will work on synchronization of these and get them to Konnie in the next couple of days.

Judge Armstrong asked Judge Warner if this was taken directly from Rule 43(k). Judge Warner stated that it was. Judge Armstrong stated that there are two issues. One is the retention period; there needs to be consistency with any new Rule that may come down. The other issue is what is being done with other records that are being kept electronically. Mr. Jeanes stated that the proposed Records Retention Schedule does address the issue of electronic records. Judge Armstrong asked if there was other language that could be used. It was stated that the Records Retention schedule uses "electronic recordings." The Keeping the Record Committee is also looking at this issue of "language." There has not been a formal report from this committee.

Judge Armstrong proposed that if we add "and electronic recordings" in paragraph one of Rule 17 after "notes," that may solve part of the problem. In paragraph two, if "or electronic recordings" is added after "notes", what would be said after "court reporter?" Judge Armstrong questioned who was in charge of keeping this other record. The tentative recommendation from the Keeping the Record Committee is that it not be specified due to the fact that in various courts it may be a different individual. Judge Armstrong raised the question as to whether paragraph two is needed. The recommendation was made to have it deleted.

**TASK: Michael Jeanes will work on the synchronization of Rule 17 and the proposed Records Retention Schedule and get back to Konnie.**

### **Workgroup 1: Commencement of Action; Service of Process; Duties of Counsel (Bridget Humphrey, Chair)**

Bridget Humphrey stated that at the last CIDVIC meeting there was discussion on the need to keep Orders of Protection confidential until they are served. Discussion ensued regarding amending the language in the Public Access Rule 21(d) to ensure confidentiality of Protective Orders.

Michael Jeanes stated that Clerks around the state have a concern with this rule not because of the recognition of its importance or the need for it, but because of the implementation capabilities and liability issues. Judge Armstrong informed the committee that this rule would not take place immediately; it is not self-executing, and it would be up to each county. There would need to be further study.

Judge Warner recommended some mechanical revisions, including the following:

- Rule 22(a) Duties of Counsel. Under paragraph two, *Withdrawal and Substitution*, in the second line it refers to “domestic relations cases;” it should be “family law.”
- Rule 22(d) Notice of Settlement. Bridget suggested that the very last sentence which talks about jury fees be eliminated. Judge Warner stated that this is also covered in ADR in the Notices Section. Does it need to be in two places? Discussion ensued; it was decided that it would be deleted out of Rule 22.

### **Workgroup 1: Pleadings and Motions – (Bridget Humphrey, Chair)**

Rule 24(a) addresses commencing an action with a petition for Annulment, etc., but it does not speak to beginning an action with an Order of Protection. Should a Protection Order be included as a means to initiating an action? Judge Armstrong suggested that it would be good to put in “Order of Protection.” The question is whether caveat language needs to be added. The suggestion was to put Protective Orders in and add Petition for Protective Order, A.R.S. §13.3602, first under Petition. It needs to also be added in the third line after “or Legal Separation in Covenant Marriage” The “except clause” at the end will be deleted.

Rule 24(f). Bridget stated that in Rule 24 the types of pleadings allowed were taken directly from Maricopa Local Rule 6.3 (c)(5). Initially that Rule includes an Application for Issuance of Warrant to Take Physical Custody of a Child. It appeared in some versions of the rules and did not appear in later versions. She could not find any reference in the minutes where it was agreed upon to have it deleted. Bridget is proposing that it be added back in, as (Rule 24(f)) between Voluntary Acknowledgement of Paternity and Petition for Order to Appear. Judge Armstrong asked Bridget to read it to the Committee. The rule reads as follows: Application for Issuance of Warrant to Take Physical Custody of a Child “A person seeking the immediate production of a child or children may seek such relief by filing a verified application for issuance of a warrant to take physical custody of a child.” This may have been removed due to clerical error. Judge Armstrong remarked that this is very vague and does not limit it to out-of-state orders. Bridget agreed to work on re-writing the order to incorporate the language to make it “an order to appear” or “turn the child over” or make it “out-of-state.”

### **TASK: Bridget will work on incorporating language to include out-of-state.**

Rule 24 (g) Bridget stated that when first looking at these rules it was not decided whether counter claims, cross claims and third-party complaints were going to be included. If it is allowed, there would need to be a new rule for addressing these issues under Other Pleadings Allowed. Rule 24(g) would then read: “Other pleadings may include third-party petitions and responses or such other pre-judgment or post-decree pleadings as otherwise provided in these rules.” The Committee agreed to delete cross-claim language.

Judge Armstrong raised the question of using a uniform approach for the Order to Appear. It was stated that everything will be set for hearing on a document entitled Order to Appear. In order to accommodate the various purposes of whether it is an Order to Appear for a return hearing or an Order to Appear for an evidentiary hearing, the Forms Committee would have one document. Judge Armstrong stated that if it is limited to an Order to Appear, it would cover everything. Order to Show Cause will be eliminated.

Rule 27(b) Summons and Petition of Complaint. Bridget suggested that the words “paternity, or maternity,” be moved up to the beginning. It would then read: “In an action for paternity, maternity” In line three take out “upon the opposing party” and replace with “upon all parties entitled to service.”

The spacing needs to be fixed on Rule 26(a) and Rule 26(b).

Rule 31(d) Verification of Answer Bridget stated that this is too lengthy and questioned whether this was necessary. Discussion ensued. Under the title add “Mandatory responsive filings shall be verified in accordance with Rule 13.” The rest can be taken out.

Rule 29. Optional Responsive Filings This will be deleted.

Rule 33(c) Verification of Pleading when Equitable Relief Demanded This will be deleted

Rule 34(f) Waiver or Preservation of Certain Defenses Bridget stated that this was inconsistent with the adopted rule “by filing an answer everything is an issue.” Now it states that if you do not bring up a defense, it is waived. She made the suggestion to rephrase it to read: “The following defenses and objectives are not waived by failure to present them by motion or in the party’s answer.” This change will be made.

## **8. Break for Lunch**

## **9. Reports from Workgroups, Continued**

### **Workgroup 1: Parties (Bridget Humphrey, Chair)**

Discussion went back to Rule 34(f) Waiver or Preservation of Certain Defenses in the previous section. Judge Warner stated that this rule is not written correctly. She stated that you can waive everything in Section One. Janet Metcalf stated that subsection one can be deleted because there are items that can be waived if not brought up initially. Judge Armstrong suggested that an exception be put in Rule 34(f). Rule 34(f) subsection 3 will be revised to read: “Whenever it appears to the satisfaction of the court that it lacks subject matter jurisdiction, the court shall dismiss the action.”

Rule 39(a) Joinder of Claims Bridget suggested that “cross-claim” be taken out of line one.

Rule 44(c) Procedure Bridget raised the question of whether a special step needs to be added for grandparents or third-parties. Judge Armstrong stated that it could read: “Except as otherwise provided by law,” in the very beginning.

## **10. Memo From Lisa Melton and Bridget Humphrey, Community Legal Services**

Judge Armstrong had asked Bridget to look specifically into addressing domestic violence and mediation. Lisa Melton who is in Bridget’s office has prepared some language which is included in the memo. He informed the Committee that there is a slightly different version in the ADR Section.

Judge Warner stated that this had been discussed by the workgroup. The workgroup unanimously agreed that it was not necessary because every Conciliation Court screens for domestic violence. Bridget stated that when Lisa looked at this language, she looked at Model Rules. One of the Model Rules addressed a complete “opt out.” These do not seem to have an opt out; they only require Conciliation Services to have some procedures.

Judge Armstrong stated that it does allow for an “opt out” if there is an Order of Protection or a finding by a court of domestic violence. Judge Warner added that some Orders of Protection can be based on slim information. Judge Warner stated that in her discussions with mediators it is unethical for them to mediate where they discern that the parties are not of equal bargaining power.

Dr. Brian Yee stated that the motivation was understood, but questioned whether this is a meaningful improvement. Judge Armstrong stated that in Maricopa County this is already being done, except for the paragraph which requires a notice. Judge Armstrong stated that Maricopa Superior Conciliation Services is not allowing anyone to attend, even though there is a rule that they may attend. He would be in favor of having this included. Dr. Brian Yee raised the question of whether it would clarify the issue if the label were changed. He stated that the term, “Mandatory mediation” may be misleading and could be generating fuel with advocacy groups.

As a mediator, Dr. Yee’s concern is about the balance of bargaining power, and about any restriction of an alleged victim’s right to mediation.

Judge Warner stated her thoughts: that these cases should be screened by professionals. Annette Burns stated that she was part of the workgroup that discussed this language. The questions came up that trained mediators were already doing these things and that in effect the mediators are being instructed on how to conduct the mediation substantively. Judge Armstrong stated that there is a perception in the community that mediators are not all trained.

Judge Armstrong stated that the proposal is:

- To allow for an ‘opt out,’ if there is an Order of Protection, unless parties agree to mediate;
- A requirement that procedures are in place to safeguard the alleged victim; and
- A notice that goes out.

Discussion ensued. Annette Everlove made a suggestion that if this section (Mandatory Mediation – Section VIII,) is modified, add in where it is mandatory, and use something similar to the Pima County Local rule that states, “It applies in all matters dealing with issues of custody and a parenting time except” or it can say, “if a party is a non-resident of the county to an action to enforce parenting time or custody rights,” or “relief from this requirement is provided by the court because of allegations of significant domestic violence.”

Judge Armstrong asked the Committee about their sentiments on the proposal on page 10 of Section VIII, as presently written. The Committee voted, and there was not a majority. Judge Armstrong stated that the other option is taking out the automatic “opt out” provision and leaving in the requirement that there be some procedures and that there be a notice. Discussion ensued. It was voted unanimously to delete “A.” Judge Armstrong brought back to the group the suggestion which Dr. Yee had, which was to delete the word “Mandatory” out of the title, and the Committee agreed to this revision.

#### **Workgroup #11 – Forms (Bridget Humphrey, Chair)**

Bridget stated that she is working with Sandy Hand regarding formatting. She acknowledged that there are not a lot of changes, and that a portion of the processes have been renamed. The Committee agreed to adopt the child support affidavit and the spousal maintenance affidavit that Pima County has already had in place. The child support affidavit will be called, “Child Support Financial Affidavit,” and the spousal maintenance affidavit will be called “a Comprehensive Affidavit” to match the rules. There were few changes in the resolution statements. On page 2 of the Proposed Dissolution Resolution, Statement paragraph 2, there will be instructions to the litigant that would read “if there are no minor children, skip to a specified paragraph. At the moment there is not a way of stating “not applicable.” Bridget mentioned that there is a new form titled Joint Alternative Dispute Resolution Statement to the Court, which was adapted from the one that is in the current Civil Rules. More information has been added to the Uniform Family Law Interrogatories Forms. The statement, “any other persons residing in your household” was added to the following sections: Name and Contact Information, Sections dealing with criminal activities, the Child Protective Services Investigation, and the Domestic Violence Section. The Consent Decree form remains unchanged; it needs to be formatted.

Judge Armstrong reminded the group that the Committee has already decided that there will not be any forms in the book. He stated that references to the forms will be in the book with a note that they will be available in any county self-service center, on-line at the Supreme Court website, and libraries. This will afford the flexibility to change forms.

#### **Workgroup #3-Defaults, Consent Decrees, and Voluntary Dismissals (Annette Burns, Chair)**

Annette Burns mentioned that there were no changes in the book from the previous meeting. She stated that under Rule 48(a), Section One still reads as a draft rule. Her thoughts were that this had been discussed and approved. Annette proposed that the underlining be taken out making it 48(b)(1)(iii), and taking out the word “claims.”

Rule 48(d) Petitioners, Counterclaimants, Cross-claimants. Annette stated that based on today’s discussion, the term “cross-claim” should be removed both from the title and from the body.

Rule 49 (c) Demand for Judgment. Discussion ensued, and it was agreed that this should be moved and would now be Rule 48 (g).

Rule 51 Voluntary Dismissals. Judge Warner recommended that Rule 51 be re-captioned “Dismissals” and that there be an A, B, and C. Under A the title would be Voluntary Dismissals, B would be titled Involuntary Dismissals, and C would be Dismissals of the Third-Party Claim. She also recommended that the rules from Section 9, page 8 be incorporated into Rule 51.



**Workgroup #4 – Accelerated and Temporary Accelerated Orders (Judge Davis, Chair)**

Judge Armstrong stated that Judge Davis who had to attend another meeting and was not present to report at this time. It was stated that there were no changes. The term “emergency” was taken out of the title.

**Workgroup #5 – Disclosure and Discovery (Judge Nelson, Chair)**

Judge Armstrong asked Janet Metcalf if there was anything to report at this time. Janet stated that there were no changes.

**Workgroup #6 – Settlement and ADR (Judge Warner, Chair)**

Judge Warner stated that since the last meeting, discussion had taken place regarding the clarification of the difference between a settlement conference and mediation. As a result of this discussion, references to settlement or settlement conferences were taken out to show that this is all confidential and not ex-parte. Judge Warner referred to Brian Yee on his thoughts regarding deleting part of the second sentence under subsection A. Should this sentence read: “The mediator shall not file any written report or statement with the court except as provided in subsection B(6) of this Rule.” Dr. Brian Yee stated that in Section 6 it mentions reports to the courts, so that he was unsure if this would be redundant or contradictory.

Rule 8 Family Court Advisors. Judge Warner stated that she re-organized to bring in binding agreements and settlements. Discussion ensued on Alternative A and Alternative B in this section. Judge Warner stated that the rules were fairly similar with the exception that the Pima County rule is more detailed when you pull in the implementing guidelines. Judge Warner suggested that they work from the Maricopa County Rule and insert information on how specifically the review is obtained.

**TASK: Judge Warner will work from the Maricopa County Rule, incorporate terms of service and procedures for filing of Orders and Objections.**

Rule 10 Procedures and Forms for Plan for Expedited Process. Judge Armstrong commented that there had always been a plan that was approved by the Supreme Court on an annual basis for the last 10 years. The plan had become very specific and procedural. Judge Armstrong brought up an option that could be considered. The option could be that a provision be added in for a county that has an expedited plan, stating that they should include their plan in a local rule. Judge Armstrong did not recommend having this put in at all. If included there needed to be a reference that this is Maricopa County’s plan, and that it could be used as a model. Judge Warner agreed that it should be placed in the local rule. Discussion ensued; as a result Rule 10 (all ten pages) will be deleted. Dr. Brian Yee has received feedback from mediators. In returning to Rule 2(b) section 5, the language states that the mediator “shall” require the parties to prepare a statement. The language seems too strong and proposes that it should read “may.” Annette Everlove raised a question for clarification regarding various types of mediation and what is mandatory and what is not mandatory. Discussion ensued.

**Workgroup #7 – Pretrial and Trial Procedures (Judge Nielson, Chair)**

Judge Nielson stated that no changes were made. Judge Armstrong recommended that the last section, 44 a, c, k and m be deleted. Judge Armstrong and Judge Warner both agreed that they are not necessary now because of the existence of Rules of Evidence. Annette Everlove raised a question on section C, Family Court Motion Practice. She stated that there were inconsistencies with these requirements and requirements of other rules. Annette will look at this rule and compare it to Section Eleven and to Section Three to work on symmetry.

**TASK: Annette Everlove will look at this rule and compare it to Section Eleven and Section Three to work on symmetry.**

**Workgroup #8 – Judgments (Phil Knox, Chair)**

Judge Armstrong had announced earlier that this section has been completed, reviewed, and has been included. He stated that he was satisfied, and asked Phil Knox if there was anything else. Phil Knox stated that there were no other changes.

**Workgroup #9 - Post-Judgment Proceedings (Judge Davis, Chair)**

Judge Davis mentioned that the group had met last week and made some updates. Not all of the updates are in written form. Annette Everlove will give Judge Armstrong her copy for now while she is still working on the other updates. Judge Armstrong asked Annette Everlove to hand in any changes today. Annette raised the question on sub-paragraph J, the Mediation provision, should this be left in or taken out? Judge Davis stated that if we take it out, it should be cross-referenced in the ADR Rules that it applies to Post-Decree as well or a generalized rule that states “all of these rules apply to Post-Decree as well as Pre-Decree.”

**TASK: Annette Everlove will amend section J. Mediation and forward to Konnie.**

Judge Davis brought up a subject that had been discussed in earlier meetings, but had not been discussed in the last meeting regarding Financial Enforcement Actions. It had been discussed that there be a calculation in the petition of what was owed. It would have the math portion done rather than a notice pleading of monies owed. It was stated that it could be included in the Failure to Pay Child Support section. A form had been discussed. Debra Tanner suggested that medical expenses be specified. Judge Armstrong suggested that it could read: “including but not limited to..... (and list a few categories to include medical expenses).” Judge Armstrong reminded the Committee that the new guidelines also have provision for payment of uninsured medical expenses and require them to be submitted and paid within a certain amount of time. Annette Everlove stated that under paragraph H, Notice of Hearing/Order to Appear will now be “Order to Appear.” Judge Davis mentioned that in previous discussions, section D, paragraph 3, was going to be put into a separate service section that applied to all of these rules. Annette Everlove stated that this needs to stay where it is. Discussion ensued. In clarifying the discussion, Judge Armstrong raised the question as to the value of this section not being that it requires service, but that it specifies affidavits and notice which are terms used in the statutes. Judge Armstrong suggested that it be left in at this time.

**Workgroup #10 - Sanctions and Contempt (Judge Nelson, Chair)**

Janet Metcalf stated that there were no changes with this section.

**Family Court Services (Judge Armstrong and Konnie Neal)**

Judge Armstrong stated that this is an attempt to address some services that are not addressed elsewhere. It is more of a resource section that he and Konnie had drafted.

**TASK: Reports from Annette Everlove and Judge Warner will be anticipated on Monday, December 13, 2005. Meetings will take place twice more within the next two weeks to work on numbering and cross-referencing.**

**11. Call to the Public – Judge Armstrong**

There were no members of the public present.

**12. Next Meeting – Konnie Neal**

The next Committee meeting will be held as a Working Retreat on January 6 & 7, 2005, at the Arizona Courts Building, 1501 W. Washington, Conference Room 345, Phoenix, Arizona beginning at 1:00 pm at January 6<sup>th</sup> and concluding at 4:30 pm on January 7, 2005. The conference call number is: 602.542.9006.

**13. Adjournment**

Judge Armstrong thanked the Committee for their hard work and commitment, and adjourned the meeting at 2:25 pm.